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4 The Honorable Judge John C. Coughenour
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12 IN THE UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT SEATTLE
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17 SCOTT AND KATHRYN KASEBURG, ET
18 AL,
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20 Plaintiffs,
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22 vs.
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24 PORT OF SEATTLE, a municipal
25 corporation; PUGET SOUND ENERGY,
INC., a Washington for profit corporation,
KING COUNTY, a home rule charter
county, and CENTRAL PUGET SOUND
REGIONAL TRANSIT AUTHORITY, a
municipal corporation,

26 Defendants.
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28 **NO. 2:14-CV-000784-JCC**
29

30 MOTION FOR LEAVE TO FILE SECOND
31 AMENDED COMPLAINT TO QUIET
32 TITLE AND FOR DECLARATORY
33 RELIEF
34

35 NOTE ON MOTION CALENDAR:
36 September 25, 2014
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38 COME NOW Plaintiffs and for their Motion for Leave to File a Second Amended
39 Complaint, state as follows:

40 1. Rule 15(a)(2) of the Federal Rules of Civil Procedure provides: "In all other
41 cases, a party may amend its pleading only with the opposing party's written consent or
42 the court's leave. The court should freely give leave when justice so requires." Fed. R.
43 Civ. Pro. 15(a)(2). During the status conference on September 16, 2014, the Court set
44 January 2, 2015 as the deadline to amend pleadings.

1 2. The proposed amendments are limited at this time to add two additional
2 property owners as Plaintiffs and to add Central Puget Sound Regional Transit Authority
3 ("Sound Transit") as an additional Defendant.

4 3. First, two additional property owners, Pamela Hunt and Gretchen
5 Chambers, wish to join this lawsuit and counsel requests permission to join these
6 additional property owners as Plaintiffs.

7 4. Second, Plaintiffs have determined that Sound Transit may claim an
8 interest in the right-of-way that is at issue in this case and is a necessary party for
9 Plaintiffs' quiet title action. In order for the accurate adjudication of this quiet title action,
10 it is necessary that all interested parties be joined and, therefore, Plaintiffs seek to file a
11 Second Amended Complaint adding Sound Transit as a defendant.

13 5. Pursuant to Local Civil Rule 15, a copy of Plaintiffs' proposed Second
14 Amended Complaint is attached hereto as Exhibit A indicating how it differs from the
15 First Amended Complaint.

16 6. The filing of the Second Amended Complaint with the addition of the
17 additional Plaintiffs and Sound Transit as a defendant will not prejudice the other parties
18 or cause undue delay.

20 7. Plaintiffs contacted the three present Defendants seeking consent to file
21 and Defendants expressed no objection on two separate occasions.

22 WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for
23 Leave to File Second Amended Complaint, and for such further relief that the Court may
24 deem just and proper.

1 Date: September 25, 2014.

BAKER STERCHI COWDEN & RICE, L.L.C.

2
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14 AND
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24 **ATTORNEYS FOR PLAINTIFFS**

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September 2014, the foregoing was filed electronically with the Clerk of the Court to be served by the operation of the Court's electronic filing system upon all parties of record.

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